

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DIAMOND ISLAND MARINA, INC.,

Plaintiff,

v.

**GRABEL, SCHNIEDERS, HOLLMAN
& CO., CPA, A Professional Corporation,**

Defendant.

No. 08-0025-DRH

ORDER

HERNDON, Chief Judge:

Now before the Court is Plaintiff's motion to continue Final Pretrial Conference (Doc. 53). Plaintiff states that the parties discussed the possibility of a bifurcated trial, however, the parties were unable to reach an agreement. Thus, Plaintiff contends that it needs to conduct additional discovery to properly present damages issues at trial. Defendant objects to the motion stating that Plaintiff has had ample time to complete discovery and that it previously requested Plaintiff to disclose any experts but that Plaintiff did not do so.

A review of the docket sheet reveals that Defendant has asked for three continuances in this case: (1) July 27, 2008 to continue the settlement conference (Doc. 23); (2) June 19, 2009 to file the motion for summary judgment out of time (Doc. 29); and (3) July 10, 2009 to continue the presumptive trial month (Doc. 41). The Court granted all of these motions. Thus under the circumstances of this case,

the Court finds that Plaintiff's first motion to continue is reasonable and finds no prejudice to Defendant on balance.

Accordingly, the Court **GRANTS** the motion. The Court **CONTINUES** the Final Pretrial Conference to April 8, 2010 at 1:30 p.m and **REOPENS** discovery to allow the parties to disclose expert witnesses.

IT IS SO ORDERED.

Signed this 29th day of December, 2009.

/s/ David R. Herndon

Chief Judge
United States District Court